

1 AN ACT

2 relating to the powers and duties of and contributions to and
3 benefits from the systems and programs administered by the
4 Employees Retirement System of Texas.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 609, Government Code, is
7 amended by adding Section 609.015 to read as follows:

8 Sec. 609.015. BENEFICIARY CAUSING DEATH OF PARTICIPATING
9 EMPLOYEE. (a) Any benefits, funds, or account balances payable on
10 the death of a participating employee may not be paid to a person
11 convicted of or adjudicated as having caused that death but instead
12 are payable as if the convicted person had predeceased the
13 decendent.

14 (b) The plan is not required to change the recipient of any
15 benefits, funds, or account balances under this section unless it
16 receives actual notice of the conviction or adjudication of a
17 beneficiary. However, the plan may delay payment of any benefits,
18 funds, or account balances payable on the death of a participating
19 employee pending the results of a criminal investigation or civil
20 proceeding and other legal proceedings relating to the cause of
21 death.

22 (c) For the purposes of this section, a person has been
23 convicted of or adjudicated as having caused the death of a
24 participating employee if the person:

1 (1) pleads guilty or nolo contendere to, or is found
2 guilty by a court or jury in a criminal proceeding of, causing the
3 death of the participating employee, regardless of whether sentence
4 is imposed or probated, and no appeal of the conviction is pending
5 and the time provided for appeal has expired; or

6 (2) is found liable by a court or jury in a civil
7 proceeding for causing the death of the participating employee and
8 no appeal of the judgment is pending and the time provided for
9 appeal has expired.

10 SECTION 2. Subsection (c), Section 659.140, Government
11 Code, is amended to read as follows:

12 (c) The [~~Each member of the~~] state policy committee must:

13 (1) be composed of employees and retired state
14 employees receiving benefits under Chapter 814; and

15 (2) [a state employee. The membership must] represent
16 employees at different levels of employee classification.

17 SECTION 3. Subsection (b), Section 659.143, Government
18 Code, is amended to read as follows:

19 (b) The presiding officer of a local employee committee
20 shall recruit at least five but not more than 10 additional members.
21 The members must represent different levels of employee
22 classification. One or more members may be retired state employees
23 receiving retirement benefits under Chapter 814.

24 SECTION 4. Section 811.010, Government Code, as added by
25 Chapter 232 (S.B. 1589), Acts of the 81st Legislature, Regular
26 Session, 2009, is redesignated as Section 811.012, Government Code,
27 and amended to read as follows:

1 Sec. 811.012 [~~811.010~~]. PROVISION OF CERTAIN INFORMATION
2 TO COMPTROLLER. (a) Not later than June 1, 2016, and once every
3 five years after that date [~~of each year~~], the retirement system
4 shall provide to the comptroller, for the purpose of assisting the
5 comptroller in the identification of persons entitled to unclaimed
6 property reported to the comptroller, the name, address, social
7 security number, and date of birth of each member, retiree, and
8 beneficiary from the retirement system's records.

9 (b) Information provided to the comptroller under this
10 section is confidential and may not be disclosed to the public.

11 (c) The retirement system shall provide the information in
12 the format prescribed by rule of the comptroller.

13 SECTION 5. Section 813.404, Government Code, is amended to
14 read as follows:

15 Sec. 813.404. CONTRIBUTIONS FOR SERVICE NOT PREVIOUSLY
16 ESTABLISHED. For each month of membership, military, or equivalent
17 membership service not previously credited in the retirement
18 system, a member claiming credit in the elected class shall pay a
19 contribution in an amount equal to the greater of:

20 (1) eight percent of the monthly salary paid to
21 members of the legislature at the time the credit is established; or

22 (2) the appropriate member contribution provided by
23 Section 815.402 for [~~six percent of the monthly state salary paid~~
24 ~~to~~] a person who holds, at the time the credit is established, the
25 office for which credit is sought.

26 SECTION 6. Subsection (a), Section 813.505, Government
27 Code, is amended to read as follows:

1 (a) A member claiming credit in the employee class for
2 membership service not previously established shall, for each month
3 of the service, pay a contribution in an amount equal to the greater
4 of:

5 (1) the appropriate member contribution provided by
6 Section 815.402 [~~six percent of the member's monthly state~~
7 ~~compensation~~] for the service during the time for which credit is
8 sought; or

9 (2) \$18.

10 SECTION 7. Subsections (a), (c), (d), and (e), Section
11 814.007, Government Code, are amended to read as follows:

12 (a) Any benefits, funds, or account balances [~~A benefit~~]
13 payable on the death of a member or annuitant may not be paid to a
14 person convicted of or adjudicated as having caused [~~causing~~] that
15 death but instead are [~~is~~] payable as if the convicted person had
16 predeceased the decedent.

17 (c) The retirement system shall reduce any annuity computed
18 in part on the age of the convicted or adjudicated person to a lump
19 sum equal to the present value of the remainder of the annuity. The
20 reduced amount is payable to a person entitled as provided by this
21 section to receive the benefit.

22 (d) The retirement system is not required to change the
23 recipient of any benefits, funds, or account balances under this
24 section unless it receives actual notice of the conviction or
25 adjudication of a beneficiary. However, the retirement system may
26 delay payment of any benefits, funds, or account balances [~~a~~
27 ~~benefit~~] payable on the death of a member or annuitant pending the

1 results of a criminal investigation or civil proceeding and other
2 ~~[of]~~ legal proceedings relating to the cause of death.

3 (e) For the purposes of this section, a person has been
4 convicted of or adjudicated as having caused ~~[causing]~~ the death of
5 a member or annuitant if the person:

6 (1) pleads guilty or nolo contendere to, or is found
7 guilty by a court or jury in a criminal proceeding of, causing the
8 death of the member or annuitant, regardless of whether sentence is
9 imposed or probated, [+] and

10 ~~[(2) has]~~ no appeal of the conviction is pending and
11 the time provided for appeal has expired; or

12 (2) is found liable by a court or jury in a civil
13 proceeding for causing the death of the member or annuitant and no
14 appeal of the judgment is pending and the time provided for appeal
15 has expired.

16 SECTION 8. The heading to Section 814.009, Government Code,
17 is amended to read as follows:

18 Sec. 814.009. DEDUCTION FROM ANNUITY FOR STATE EMPLOYEE
19 ORGANIZATION.

20 SECTION 9. Subchapter A, Chapter 814, Government Code, is
21 amended by adding Sections 814.0095 and 814.0096 to read as
22 follows:

23 Sec. 814.0095. CHARITABLE DEDUCTION FROM ANNUITY.

24 (a) Except as provided by Section 814.0096(c), a person who
25 receives an annuity under this subchapter may, on a printed or
26 electronic form filed with the retirement system, authorize the
27 retirement system to deduct from the person's monthly annuity

1 payment the amount of a contribution to the state employee
2 charitable campaign in the manner and for the same purposes for
3 which a state employee may authorize deductions to that campaign
4 under Subchapter I, Chapter 659.

5 (b) An authorization under this section must direct the
6 board of trustees to deposit the deducted funds with the
7 comptroller for distribution as required by Section 659.132(g) in
8 the same manner in which a state employee's deduction is
9 distributed.

10 (c) An authorization under this section remains in effect
11 for the period described by Section 659.137 unless the person
12 revokes the authorization by giving notice to the board of
13 trustees.

14 (d) The board of trustees may adopt rules to administer this
15 section. Any rules adopted must be consistent with the
16 comptroller's rules related to the state employee charitable
17 campaign.

18 Sec. 814.0096. COORDINATION WITH STATE EMPLOYEE CHARITABLE
19 CAMPAIGN POLICY COMMITTEE. (a) The board of trustees and the
20 state employee charitable campaign policy committee established
21 under Section 659.140 shall coordinate responsibility for the
22 administration of charitable deductions from annuity payments to
23 the state employee charitable campaign under Section 814.0095.

24 (b) The state employee charitable campaign policy committee
25 is authorized to approve a budget that includes funding for as many
26 of the expenses incurred by the retirement system associated with
27 the implementation and administration of annuitants' participation

1 in the state employee charitable campaign as is practicable,
2 including notification of annuitants.

3 (c) Except as provided by this subsection, the board of
4 trustees shall charge an administrative fee to cover any costs not
5 paid under Subsection (b) in the implementation of Section 814.0095
6 to the charitable organizations participating in the state employee
7 charitable campaign conducted under that section in the same
8 proportion that the contributions to that charitable organization
9 bear to the total of contributions in that campaign. The board of
10 trustees shall determine the most efficient and effective method of
11 collecting the administrative fee and shall adopt rules for the
12 implementation of this subsection.

13 (d) If necessary, the board of trustees and the state
14 employee charitable campaign policy committee may make the annuity
15 deduction authorization under Section 814.0095(a) available in
16 stages to subgroups of the retirement system's annuity recipients
17 as money becomes available to cover the expenses under Subsection
18 (b).

19 SECTION 10. Subsection (d), Section 814.104, Government
20 Code, is amended to read as follows:

21 (d) Except as provided by Section 814.102 or by rule adopted
22 under Section 813.304(d) or 803.202(a)(2), a member who was not a
23 member on the date hired, was hired on or after September 1, 2009,
24 and has service credit in the retirement system is eligible to
25 retire and receive a service retirement annuity if the member:

26 (1) is at least 65 years old and has at least 10 years
27 of service credit in the employee class; or

1 (2) has at least 10 [~~5~~] years of service credit in the
2 employee class and the sum of the member's age and amount of service
3 credit in the employee class, including months of age and credit,
4 equals or exceeds the number 80.

5 SECTION 11. Subsection (d), Section 814.1075, Government
6 Code, is amended to read as follows:

7 (d) The standard combined service retirement annuity that
8 is payable under this section is based on retirement at either the
9 age of 55 or the age at which the sum of the member's age and amount
10 of service credit in the employee class equals or exceeds the number
11 80. The annuity of a law enforcement or custodial officer who
12 retires before reaching the age of 55 under any eligibility
13 criteria is actuarially reduced by five percent for each year the
14 member retires before the member reaches age 55, with a maximum
15 possible reduction of 25 percent. The actuarial reduction
16 described by this section is in addition to any other actuarial
17 reduction required by law.

18 SECTION 12. Section 815.303, Government Code, is amended to
19 read as follows:

20 Sec. 815.303. SECURITIES LENDING. (a) The retirement
21 system may, in the exercise of its constitutional discretion to
22 manage the assets of the retirement system, select one or more
23 commercial banks, depository trust companies, or other entities to
24 serve as custodian or custodians of the system's securities and to
25 lend the securities under rules or policies adopted by the board of
26 trustees and as required by this section.

27 (b) To be eligible to lend securities under this section, a

1 bank or brokerage firm must:

2 (1) be experienced in the operation of a fully secured
3 securities loan program;

4 (2) maintain adequate capital in the prudent judgment
5 of the retirement system to assure the safety of the securities;

6 (3) execute an indemnification agreement satisfactory
7 in form and content to the retirement system fully indemnifying the
8 retirement system against loss resulting from borrower default in
9 its operation of a securities loan program for the system's
10 securities; and

11 (4) require any securities broker or dealer to whom it
12 lends securities belonging to the retirement system to deliver to
13 and maintain with the custodian or securities lending agent
14 collateral in the form of cash or [~~United States government~~]
15 securities that are obligations of the United States or agencies or
16 instrumentalities of the United States in an amount equal to but not
17 less than 100 percent of the market value, from time to time, as
18 determined by the retirement system, of the loaned securities.

19 SECTION 13. (a) Section 815.317, Government Code, is
20 amended by adding Subsection (a-1) to read as follows:

21 (a-1) The comptroller shall deposit fees collected under
22 Section 133.102(e)(7), Local Government Code, to the credit of the
23 law enforcement and custodial officer supplemental retirement
24 fund.

25 (b) Subsection (e), Section 133.102, Local Government Code,
26 is amended to read as follows:

27 (e) The comptroller shall allocate the court costs received

1 under this section to the following accounts and funds so that each
2 receives to the extent practicable, utilizing historical data as
3 applicable, the same amount of money the account or fund would have
4 received if the court costs for the accounts and funds had been
5 collected and reported separately, except that the account or fund
6 may not receive less than the following percentages:

- 7 (1) abused children's counseling 0.0088 percent;
- 8 (2) crime stoppers assistance 0.2581 percent;
- 9 (3) breath alcohol testing 0.5507 percent;
- 10 (4) Bill Blackwood Law Enforcement Management
11 Institute 2.1683 percent;
- 12 (5) law enforcement officers standards and
13 education 5.0034 percent;
- 14 (6) comprehensive rehabilitation 5.3218 percent;
- 15 (7) law enforcement and custodial officer
16 supplemental retirement fund [~~operator's and chauffeur's~~
17 ~~license~~] 11.1426 percent;
- 18 (8) criminal justice planning 12.5537 percent;
- 19 (9) an account in the state treasury to be used only
20 for the establishment and operation of the Center for the Study and
21 Prevention of Juvenile Crime and Delinquency at Prairie View A&M
22 University 1.2090 percent;
- 23 (10) compensation to victims of crime fund 37.6338
24 percent;
- 25 (11) fugitive apprehension account 12.0904 percent;
- 26 (12) judicial and court personnel training fund 4.8362
27 percent;

1 (13) an account in the state treasury to be used for
2 the establishment and operation of the Correctional Management
3 Institute of Texas and Criminal Justice Center Account 1.2090
4 percent; and

5 (14) fair defense account 6.0143 percent.

6 (c) Notwithstanding any other provision of this Act, this
7 section takes effect September 1, 2013.

8 SECTION 14. Section 815.402, Government Code, is amended by
9 adding Subsections (a-1) and (h-1) to read as follows:

10 (a-1) Notwithstanding Subsection (a)(1), if the state
11 contribution to the retirement system is computed using a
12 percentage less than 6.5 percent for the state fiscal year
13 beginning September 1, 2011, the member's contribution is not
14 required to be computed using a percentage equal to the percentage
15 used to compute the state contribution for that biennium. This
16 subsection expires September 1, 2012.

17 (h-1) Notwithstanding Subsection (h), if the state
18 contribution to the law enforcement and custodial officer
19 supplemental retirement fund is computed using a percentage less
20 than 0.5 percent for the state fiscal year beginning September 1,
21 2011, the member's contribution is not required to be computed
22 using a percentage equal to the percentage used to compute the state
23 contribution for that biennium. This subsection expires September
24 1, 2012.

25 SECTION 15. Subchapter D, Chapter 834, Government Code, is
26 amended by adding Section 834.305 to read as follows:

27 Sec. 834.305. BENEFICIARY CAUSING DEATH OF MEMBER OR

1 ANNUITANT. (a) Any benefits, funds, or account balances payable
2 on the death of a member or annuitant may not be paid to a person
3 convicted of or adjudicated as having caused that death but instead
4 are payable as if the convicted person had predeceased the
5 decedent.

6 (b) A person who becomes eligible under this section to
7 select death or survivor benefits may select benefits as if the
8 person were the designated beneficiary.

9 (c) The retirement system shall reduce any annuity computed
10 in part on the age of the convicted or adjudicated person to a lump
11 sum equal to the present value of the remainder of the annuity. The
12 reduced amount is payable to a person entitled as provided by this
13 section to receive the benefit.

14 (d) The retirement system is not required to change the
15 recipient of any benefits, funds, or account balances under this
16 section unless it receives actual notice of the conviction or
17 adjudication of a beneficiary. However, the retirement system may
18 delay payment of any benefits, funds, or account balances payable
19 on the death of a member or annuitant pending the results of a
20 criminal investigation or civil proceeding and other legal
21 proceedings relating to the cause of death.

22 (e) For the purposes of this section, a person has been
23 convicted of or adjudicated as having caused the death of a member
24 or annuitant if the person:

25 (1) pleads guilty or nolo contendere to, or is found
26 guilty by a court or jury in a criminal proceeding of, causing the
27 death of the member or annuitant, regardless of whether sentence is

1 imposed or probated, and no appeal of the conviction is pending and
2 the time provided for appeal has expired; or

3 (2) is found liable by a court or jury in a civil
4 proceeding for causing the death of the member or annuitant and no
5 appeal of the judgment is pending and the time provided for appeal
6 has expired.

7 SECTION 16. Subchapter D, Chapter 839, Government Code, is
8 amended by adding Section 839.306 to read as follows:

9 Sec. 839.306. BENEFICIARY CAUSING DEATH OF MEMBER OR
10 ANNUITANT. (a) Any benefits, funds, or account balances payable
11 on the death of a member or annuitant may not be paid to a person
12 convicted of or adjudicated as having caused that death but instead
13 are payable as if the convicted person had predeceased the
14 decedent.

15 (b) A person who becomes eligible under this section to
16 select death or survivor benefits may select benefits as if the
17 person were the designated beneficiary.

18 (c) The retirement system shall reduce any annuity computed
19 in part on the age of the convicted or adjudicated person to a lump
20 sum equal to the present value of the remainder of the annuity. The
21 reduced amount is payable to a person entitled as provided by this
22 section to receive the benefit.

23 (d) The retirement system is not required to change the
24 recipient of any benefits, funds, or account balances under this
25 section unless it receives actual notice of the conviction or
26 adjudication of a beneficiary. However, the retirement system may
27 delay payment of any benefits, funds, or account balances payable

1 on the death of a member or annuitant pending the results of a
2 criminal investigation or civil proceeding and other legal
3 proceedings relating to the cause of death.

4 (e) For the purposes of this section, a person has been
5 convicted of or adjudicated as having caused the death of a member
6 or annuitant if the person:

7 (1) pleads guilty or nolo contendere to, or is found
8 guilty by a court or jury in a criminal proceeding of, causing the
9 death of the member or annuitant, regardless of whether sentence is
10 imposed or probated, and no appeal of the conviction is pending and
11 the time provided for appeal has expired; or

12 (2) is found liable by a court or jury in a civil
13 proceeding for causing the death of the member or annuitant and no
14 appeal of the judgment is pending and the time provided for appeal
15 has expired.

16 SECTION 17. Subsection (a), Section 1551.004, Insurance
17 Code, is amended to read as follows:

18 (a) In this chapter, "dependent" with respect to an
19 individual eligible to participate in the group benefits program
20 ~~[under Section 1551.101 or 1551.102]~~ means the individual's:

- 21 (1) spouse;
- 22 (2) unmarried child younger than 26 ~~[25]~~ years of age;
- 23 (3) child of any age who the board of trustees
24 determines lives with or has the child's care provided by the
25 individual on a regular basis if:

26 (A) the child is mentally ~~[retarded]~~ or
27 physically incapacitated to the extent that the child is dependent

1 on the individual for care or support, as determined by the board of
2 trustees;

3 (B) the child's coverage under this chapter has
4 not lapsed; and

5 (C) the child is at least 26 [~~25~~] years old and
6 was enrolled as a participant in the health benefits coverage under
7 the group benefits program on the date of the child's 26th [~~25th~~]
8 birthday;

9 (4) child of any age who is unmarried, for purposes of
10 health benefit coverage under this chapter, on expiration of the
11 child's continuation coverage under the Consolidated Omnibus
12 Budget Reconciliation Act of 1985 (Pub. L. No. 99-272) and its
13 subsequent amendments; and

14 (5) ward, as that term is defined by Section 601, Texas
15 Probate Code, who is 26 years of age or younger.

16 SECTION 18. Subchapter B, Chapter 1551, Insurance Code, is
17 amended by adding Section 1551.068 to read as follows:

18 Sec. 1551.068. QUALIFICATION OF GROUP BENEFITS PROGRAM.
19 Notwithstanding any provision of this chapter or any other law, it
20 is intended that the provisions of this chapter be construed and
21 administered in a manner that coverages under the group benefits
22 program will be considered in compliance with applicable federal
23 law. The board of trustees may adopt rules that modify the coverage
24 provided under the program by adding, deleting, or changing a
25 provision of the program, including rules that modify eligibility
26 and enrollment requirements and the benefits available under the
27 program.

1 SECTION 19. Section 1551.220, Insurance Code, is amended to
2 read as follows:

3 Sec. 1551.220. BENEFICIARY CAUSING DEATH OF PARTICIPANT OR
4 BENEFICIARY OF PARTICIPANT. (a) Any benefits, funds, or account
5 balances [~~A benefit~~] payable on the death of a participant or the
6 beneficiary of a participant in the group benefits program may not
7 be paid to a person convicted of or adjudicated as having caused
8 [~~causing~~] that death but instead are [~~is~~] payable as if the
9 convicted person had predeceased the decedent.

10 (b) The Employees Retirement System of Texas is not required
11 to change the recipient of any benefits, funds, or account balances
12 under this section unless it receives actual notice of the
13 conviction or adjudication of a beneficiary. However, the
14 retirement system may delay payment of any benefits, funds, or
15 account balances [~~a benefit~~] payable on the death of a participant
16 or beneficiary of a participant pending the results of a criminal
17 investigation or civil proceeding and other [~~of~~] legal proceedings
18 relating to the cause of death.

19 (c) For the purposes of this section, a person has been
20 convicted of or adjudicated as having caused [~~causing~~] the death of
21 a participant or beneficiary of a participant if the person:

22 (1) pleads guilty or nolo contendere to, or is found
23 guilty by a court or jury in a criminal proceeding of, causing the
24 death of the participant or beneficiary of a participant,
25 regardless of whether sentence is imposed or probated, [~~+~~] and

26 [~~(2) has~~] no appeal of the conviction is pending and
27 the time provided for appeal has expired; or

1 (2) is found liable by a court or jury in a civil
2 proceeding for causing the death of the member or annuitant and no
3 appeal of the judgment is pending and the time provided for appeal
4 has expired.

5 SECTION 20. Subchapter E, Chapter 1551, Insurance Code, is
6 amended by adding Section 1551.226 to read as follows:

7 Sec. 1551.226. TOBACCO CESSATION COVERAGE. (a) The board
8 of trustees shall develop a plan for providing under any health
9 benefit plan provided under the group benefits program tobacco
10 cessation coverage for participants.

11 (b) The plan developed under Subsection (a) must include
12 coverage for prescription drugs that aid participants in ceasing
13 the use of tobacco products.

14 SECTION 21. Subchapter G, Chapter 1551, Insurance Code, is
15 amended by adding Section 1551.3075 to read as follows:

16 Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL.

17 (a) The board of trustees shall assess each participant in a
18 health benefit plan provided under the group benefits program who
19 uses one or more tobacco products a tobacco user premium
20 differential, to be paid in monthly installments. Except as
21 provided by Subsection (b), the board of trustees shall determine
22 the amount of the monthly installments of the premium differential.

23 (b) If the General Appropriations Act for a state fiscal
24 biennium sets the amount of the monthly installments of the tobacco
25 user premium differential for that biennium, the board of trustees
26 shall assess the premium differential during that biennium in the
27 amount prescribed by the General Appropriations Act.

1 SECTION 22. Subchapter G, Chapter 1551, Insurance Code, is
2 amended by adding Section 1551.3076 to read as follows:

3 Sec. 1551.3076. EMPLOYER ENROLLMENT FEE. (a) The board of
4 trustees shall assess each employer whose employees participate in
5 the group benefits program an employer enrollment fee in an amount
6 not to exceed a percentage of the employer's total payroll, as
7 determined by the General Appropriations Act.

8 (b) The board of trustees shall deposit the enrollment fees
9 to the credit of the employees life, accident, and health insurance
10 and benefits fund to be used for the purposes specified by Section
11 1551.401.

12 SECTION 23. Section 1551.314, Insurance Code, is amended to
13 read as follows:

14 Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A
15 state contribution may not be:

16 (1) made for coverages under this chapter selected by
17 an individual who receives a state contribution~~[, other than as a~~
18 ~~spouse, dependent, or beneficiary,]~~ for coverages under a group
19 benefits program provided by another state health plan or by an
20 institution of higher education, as defined by Section 61.003,
21 Education Code; or

22 (2) made for or used to pay a tobacco user premium
23 differential assessed under Section 1551.3075.

24 SECTION 24. The change in law made by Sections 609.015,
25 834.305, and 839.306, Government Code, as added by this Act, and
26 Sections 814.007, Government Code, and 1551.220, Insurance Code, as
27 amended by this Act, applies only to an offense committed on or

1 after the effective date of this Act. An offense committed before
2 the effective date of this Act is governed by the law in effect on
3 the date the offense was committed, and the former law is continued
4 in effect for that purpose. For purposes of this section, an
5 offense was committed before the effective date of this Act if any
6 element of the offense occurred before that date.

7 SECTION 25. (a) The board of trustees of the Employees
8 Retirement System of Texas, in cooperation with the comptroller of
9 public accounts and the state employee charitable campaign policy
10 committee established under Section 659.140, Government Code, as
11 amended by this Act, may adopt rules to implement Sections 814.0095
12 and 814.0096, Government Code, as added by this Act.

13 (b) The board of trustees of the Employees Retirement System
14 of Texas by rule shall designate the start date on which annuity
15 deductions begin under Sections 814.0095 and 814.0096, Government
16 Code, as added by this Act.

17 SECTION 26. (a) Subsection (d), Section 814.104,
18 Government Code, as amended by this Act, applies only to a member of
19 the Employees Retirement System of Texas who retires on or after the
20 effective date of this Act.

21 (b) A member of the Employees Retirement System of Texas who
22 retires before the effective date of this Act is governed by the law
23 as it existed immediately before the effective date of this Act, and
24 that law is continued in effect for that purpose.

25 SECTION 27. The board of trustees of the Employees
26 Retirement System of Texas shall develop and fully implement the
27 plan for providing tobacco cessation coverage as required by

1 Section 1551.226, Insurance Code, as added by this Act, and
2 implement the tobacco user premium differential required under
3 Section 1551.3075, Insurance Code, as added by this Act, not later
4 than January 1, 2012.

5 SECTION 28. To the extent of any conflict, this Act prevails
6 over another Act of the 82nd Legislature, Regular Session, 2011,
7 relating to nonsubstantive additions to and corrections in enacted
8 codes.

9 SECTION 29. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1664 passed the Senate on May 4, 2011, by the following vote: Yeas 29, Nays 2; May 26, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1664 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 145, Nays 3, one present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 128, Nays 17, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor